

TEXAS TRANSPORTATION COMMISSION

Various Counties

MINUTE ORDER

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Various Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department’s acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner’s land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit C lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A, B, and C.

Submitted and reviewed by:

DocuSigned by: Kenneth Stewart
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Director, Contract Services Division

Recommended by:

DocuSigned by: [Signature]
0E1B35AE1917A9E
Executive Director

116042 June 30 2021

Minute Date
Number Passed

**EXHIBIT A
DONATIONS
June 30, 2021**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1.	Alamo Concrete Products Company	Austin District	Bastrop	The donor is donating the design and construction of deceleration and acceleration lanes on FM 969 from 0.4 miles southeast of The Oaks Blvd. to 0.1 miles west of Utley Road in Utley, Bastrop County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$470,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$470,000.00	5/28/2021
2.	Colorado River Project, LLC and its parent company Tesla, Inc.	Austin District	Travis	The donor is providing the design and construction of operational safety improvements at the following project locations in Austin, Travis County, Texas: 1) operation safety improvements at the intersection of SH 130 at Harold Green Road; 2) intersection improvements at the intersection of FM 973 at Harold Green Road, SH 130 at Private Drive; 3) permanent traffic signals at FM 973 at Harold Green Road and FM 973 at new private driveway north of the Colorado River; and 4) drainage improvements under the SH 130 bridge (outside the area leased by Tesla), striping , and signals. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$8,800,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way. <i>(Replaces previously acknowledged on 5/27/2021 due to a change in scope.)</i>	\$8,800,000.00	5/19/2021

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
3.	KB Home Lone Star Inc.	San Antonio District	Bexar	The donor is providing the design and construction for the restriping of FM 471 east of Kallison Bend to provide left turn lane for The Preserve at Culebra development in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$14,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$14,000.00	5/28/2021
4.	Lavish Investments Inc	Bryan District	Walker	The donor is providing the design and construction of an 18" culvert under SH 75 adjacent to the donor's property located in Huntsville, Walker County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$51,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$51,000.00	5/26/2021
5.	Lennar Homes of Texas Land and Construction, Ltd.	Austin District	Travis	The donor is donating the design and construction of a westbound right turn deceleration lane at the intersection of US 290 and Basket Flower Bend in Elgin, Travis County, Texas. The improvements include pavement widening, striping, and signage. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$170,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$170,000.00	5/11/2021

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
6.	Lennar Homes of Texas Land and Construction, Ltd.	San Antonio District	Bexar	The donor is donating the design and construction for left turn lane, deceleration lane, and drainage improvements on FM 2536 for Crescent Hills Unit 1 located approximately 0.7 miles west of IH 410 in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$240,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$240,000.00	5/30/2021
7.	Love's Travel Stops & Country Stores, Inc.	Atlanta District	Bowie	The donor is donating the design and construction of a westbound right turn lane on US 82 into the donor's proposed development in New Boston, Bowie County, Texas. The proposed work includes intersection modifications to accommodate large truck volumes and WB-67 turning movements onto CR 3006. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$360,000.00.	\$360,000.00	5/21/2021
8.	Pulte Homes of Texas, L.P.	Houston District	Montgomery	The donor is donating the design and construction of left and right turn lanes along SH 242 into the donor's development in Montgomery County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$500,000.00.	\$500,000.00	5/20/2021
9.	Rio Perla Properties, L.P.	San Antonio District	Bexar	The donor is donating the design and construction for installation of roadway resurfacing, sidewalk and median improvements along with lighting and painting on US 281 located approximately at Pearl Parkway in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$300,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$300,000.00	5/28/2021

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
10.	Robb Kendrick	Austin District	Hays	The donor is donating an amount sufficient to cover the state's cost of modifying the signal to add the fourth leg of the traffic signal at US 290 and Trautwein Road in Hays County, Texas. This will enable the donor to access US 290 via the signalized intersection. All design and construction work will be provided by the state. The estimated value of the donation is \$11,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$11,000.00	5/20/2021
11.	Waterfront Development, LLC	Lufkin District	Polk	The donor is donating the design and construction of roadway widening for a left turn lane at Cedar Point Drive on US 190 in Livingston, Polk County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$590,000.00.	\$590,000.00	5/14/2021

EXHIBIT B
ROW ACQUISITION BY DONATION
June 30, 2021

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	TXDOT VALUE	ROW CSJ NO./Parcel No.	DATE ACCEPTED
1.	City of Montgomery	Houston District	Montgomery	Donation of .0502 acres of land from Grimes County Line to FM 149. The donation will be utilized for the placement of a right turn lane at the southeast corner of FM 149 and SH 105.	\$17,496.00	0338-02-043 Parcel 35	04/07/2021

**EXHIBIT C
DONATIONS
June 30, 2021**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
1	Austin Zoo, Inc.	Austin	Travis	The donor is donating \$1,584.00 under the Sponsor a Highway Program for a period of 2 years. This is a new contract on an existing sign location.
2	Kidd Roofing	Austin	Travis	The donor is donating \$1,717.20 under the Sponsor a Highway Program for a period of 2 years. This is a renewal contract on an existing sign location.
3	Luxury Auto Works	Austin	Travis	The donor is donating \$1,080.00 under the Sponsor a Highway Program for a period of 2 years. This is a renewal contract on an existing sign location.
4	Sport Clips, Inc.	Austin	Travis	The donor is donating \$2,592.00 under the Sponsor a Highway Program for a period of 2 years. This is a renewal contract on two existing sign locations.
5	Round Rock Honey Company, LLC	Austin	Williamson	The donor is donating \$1,980.00 under the Sponsor a Highway Program for a period of 2 years. This is a renewal contract on an existing sign location.
6	Sport Clips, Inc.	Austin	Williamson	The donor is donating \$7,236.00 under the Sponsor a Highway Program for a period of 2 years. This is a renewal contract on six existing sign locations.
7	Total Men's Primary Care	Dallas	Collin	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program
8	Total Men's Primary Care	Dallas	Dallas	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program
9	Buyers Barricades, Inc	Fort Worth	Tarrant	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program
10	Moody National Bank	Houston	Galveston	The donor is donating 2 miles of litter pick up per month for 2 years under the Sponsor A Highway Program

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
11	Zeus Mortgage, LTD (dba) ZeusLending.com	Houston	Harris	The donor is donating 2 miles of litter pick up per month for 2 years under the Sponsor A Highway Program
12	Higdon, Hardy & Zuflacht, L.L.P. - Family Law	San Antonio	Bexar	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program
13	PAX Financial Group	San Antonio	Bexar	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program
14	Prestige Emergency Room, LLC	San Antonio	Bexar	The donor is donating 2 miles of litter pick up per month for 2 years under the Sponsor A Highway Program
15	Simmonds Real Estate Inc.	San Antonio	Guadalupe	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program